

Tuesday, October 27, 2020

Dr. Wade Rousse
Executive Vice President
The McNeese State University Foundation
Burton Business Center, Room 439
Box 91989
Lake Charles, Louisiana 70609

**Re: Louisiana Board of Ethics
Docket No. 2020-616**

Dear Dr. Rousse:

The Louisiana Board of Ethics ("Board"), at its November 6, 2020 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit the McNeese State University Foundation ("Foundation") from hiring Richard H. Reid (the former Vice President for University Advancement and current Senior Assistant to the University President) once he retires from McNeese State University ("MSU").

FACTS PROVIDED

Richard H. Reid is a state employee whose salary is paid by MSU. Mr. Reid is the former Vice President for University Advancement at MSU and Executive Vice President for the Foundation, having left both positions on June 30, 2020. In these roles, Mr. Reid reported directly to the University President and his responsibilities included: 1) Planning, directing, and managing all activities and professional staffing in the advancement, alumni relations, and Banners program areas; 2) Developing and managing total budgetary needs for these programs with fiscal reporting responsibilities as directed by the President; 3) Taking overall responsibility for the University's donor relations programs, including the planning and staffing of all donor cultivation efforts; 4) Serving as primary staff to the University President with regard to philanthropic support and public affairs; 5) Serving as a member of the executive staff; 6) Serving as primary role in the cultivation and solicitation of major donors to the University; 7) Providing executive leadership in the planning and implementation of the proposed Capital Campaigns; and, 8) Advising fundraising efforts in support of Athletics. Mr. Reid currently serves as Senior Assistant to the University President and plans to retire on December 1, 2020.

Upon his retirement, the Foundation would like to hire Mr. Reid to cultivate and solicit senior donors, as well as build relationships between the new Vice President and current donors. Mr. Reid would no longer have decision making authority or be involved in financial decision making. However, if hired by the Foundation, Mr. Reid's duties and responsibilities would be similar, if not identical to, his duties and responsibilities as a public servant.

LAW

La. R.S. 42:1121(A)(1) provides that no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency.

La. R.S. 42:1121(B) provides that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1121(C) provides that no legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

La. R.S. 42:1123(30) provides that a public servant, a legal entity in which he has a controlling interest, or a member of his immediate family may donate services, movable property, or funds to his agency.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the following are the answers to the questions posed:

A. Would it violate [the Code] for the McNeese State University Foundation to hire Mr. Richard Reid as a part-time, non-public W-2 employee?

Yes. The Code does prohibit Mr. Reid from accepting employment with the Foundation because he would be assisting the Foundation with matters, transactions, and/or

appearances that he was involved with while he served as MSU's Vice President for University Advancement and Senior Assistant to the University President. The prohibition would last for a period of two (2) years from his retirement.

B. Would it violate [the Code] for the McNeese State University Foundation to hire Mr. Richard Reid as a part-time, non-public contract employee (1099)?

Yes. See the Response to Question A (above). The Code prohibits Mr. Reid from providing services to the Foundation that are identical to the services that he provided while he was a public servant, albeit on a contractual basis.

C. Would it violate [the Code] for the McNeese State University Foundation to have Mr. Richard Reid as a Volunteer and provide him reimbursement for expenses?

No. La. R.S. 42:1123(30) would allow Mr. Reid to participate in Foundation affairs if he does not receive compensation. The Code would also allow Mr. Reid to be reimbursed for his expenses.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,
LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board